



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 764-6960
Attn: Olivia Romano, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: July 29, 2008
Expiration Date: August 28, 2008

Reference No.: NWS-2001-01283-SO
Name: BP Cherry Point Refinery

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received a revised application to perform work in waters of the United States as described below and shown on the enclosed drawings. The work was previously described in Public Notice No. 200101283, dated July 22, 2003. The proposed revisions are described below.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: BP Cherry Point Refinery
4519 Grandview Road
Blaine, Washington 98230
ATTN: Jeff Chalfant
Telephone: (360) 371-1500

AGENT: URS Corporation
1501 4th Avenue
Seattle, Washington 98101
ATTN: David Every
Telephone: (206) 438-2105

LOCATION: In wetlands, within Terrell Creek watershed and adjacent to BP Cherry Point Refinery, near Blaine, Whatcom County, Washington.

WORK: Revisions include a change in use for a portion of permitted cogeneration facility project site, modifications of cogeneration facility project layout and additional work resulting in an increase of wetlands impacts from 30.51 acres to 34.80 acres. The time limit for completing the authorized work ends on November 22, 2008. Revisions include a time extension to complete construction of the cogeneration facility to November 22, 2013.

Change in use includes the filling of 20.02 acres of wetlands and indirect impact to 2.59 acres of wetlands for the construction of Maintenance Service Complex (MSC). The work includes land clearing, excavation, grading and placement of 46,000 cubic yards of fill material for maintenance shops, administration complex, warehouses, firehall, equipment storage/lay-down area, auto shop, paint shop, electrical building, laboratory, access roads, parking lots, utilities, storm water detention ponds, and improvements to a security gate. The proposed MSC area was originally designated as lay-down areas 1, 2, and 3 for the construction of cogeneration facility. About 4.66 acres of wetlands in lay-down area 2 were originally designated to be restored will now be permanently impacted as part of the MSC.

Cogeneration layout modifications result in the permanent filling of an additional 0.2 acres of wetlands in lay-down area 4 was originally designated to be restored will now be permanently fill for temporary material storage area during turnaround maintenance events for the cogeneration facility.

Additional work includes the filling of less than 500 square feet (0.01 acre) of wetlands for proposed improvements to Blaine and Grandview Roads intersection.

PURPOSE: To implement safety improvements at the BP Cherry Point Refinery by relocating non-essential offices and personnel outside the recommended fire and explosion hazards 500-foot exclusion zone around the Refinery.

MITIGATION: The permitted Compensatory mitigation areas (CMA 1 and CMA 2) have been modified to include mitigation for both the MSC and Cogeneration facility. About 6.6 acres of wetland creation and an additional 12 acres of buffer have been added to the CMAs, which increases rehabilitation to 115.7 acres of degraded wetlands and wetland buffers. Rehabilitation will occur by restoring historic drainage patterns via re-routing treated stormwater runoff and plugging existing ditches; removing and suppressing non-native invasive plants, and establishing emergent, scrub-shrub, and forested wetlands and uplands. Re-routing of stormwater runoff will include installing pipes and on outlet channel with diffuse-flow design to direct runoff from one of the two proposed detention ponds across existing roads to a portion of CMA 2. Additional stormwater runoff will be redirected into CMA1 from the westerly-flowing roadside ditch located on the north side of Grandview Road.

ADDITIONAL INFORMATION –To access the electronic version of this public notice, go to the Seattle District’s web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on “Regulatory” and then “Regulatory – Permits” for the Seattle District’s Regulatory homepage. Select the prominently displayed “Public Notices” heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.]

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). No EFH occurs in the project area.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. An historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area. The District Engineer invites

responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of change in use includes the filling of 20.02 acres of wetlands and indirect impact to 2.59 acres of wetlands for the construction of Maintenance Service Complex (MSC), the additional work includes the filling of less 0.01 acre of wetlands for proposed improvements to Blaine and Grandview Roads intersection, and additional wetland mitigation added to CMAs. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: The Washington State Energy Facility Site Evaluation Council (EFSEC) is reviewing the proposed revision to the permitted cogeneration facility and the additional wetland mitigation added to the CMAs for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name

NWS-2001-01283-SO

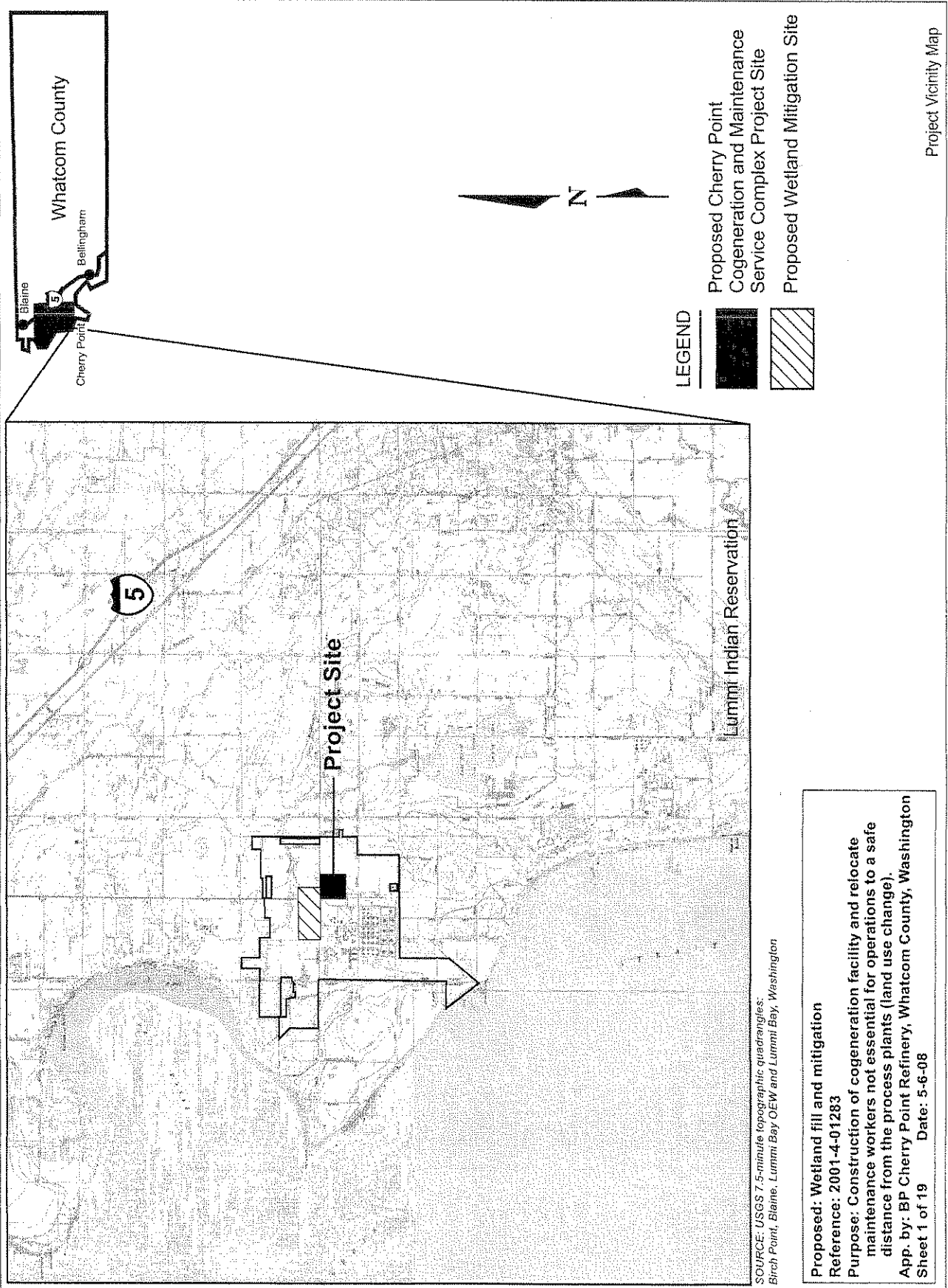
and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Corps comments: All e-mail comments should be sent to olivia.h.romano@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Olivia Romano, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermit@ecy.wa.gov

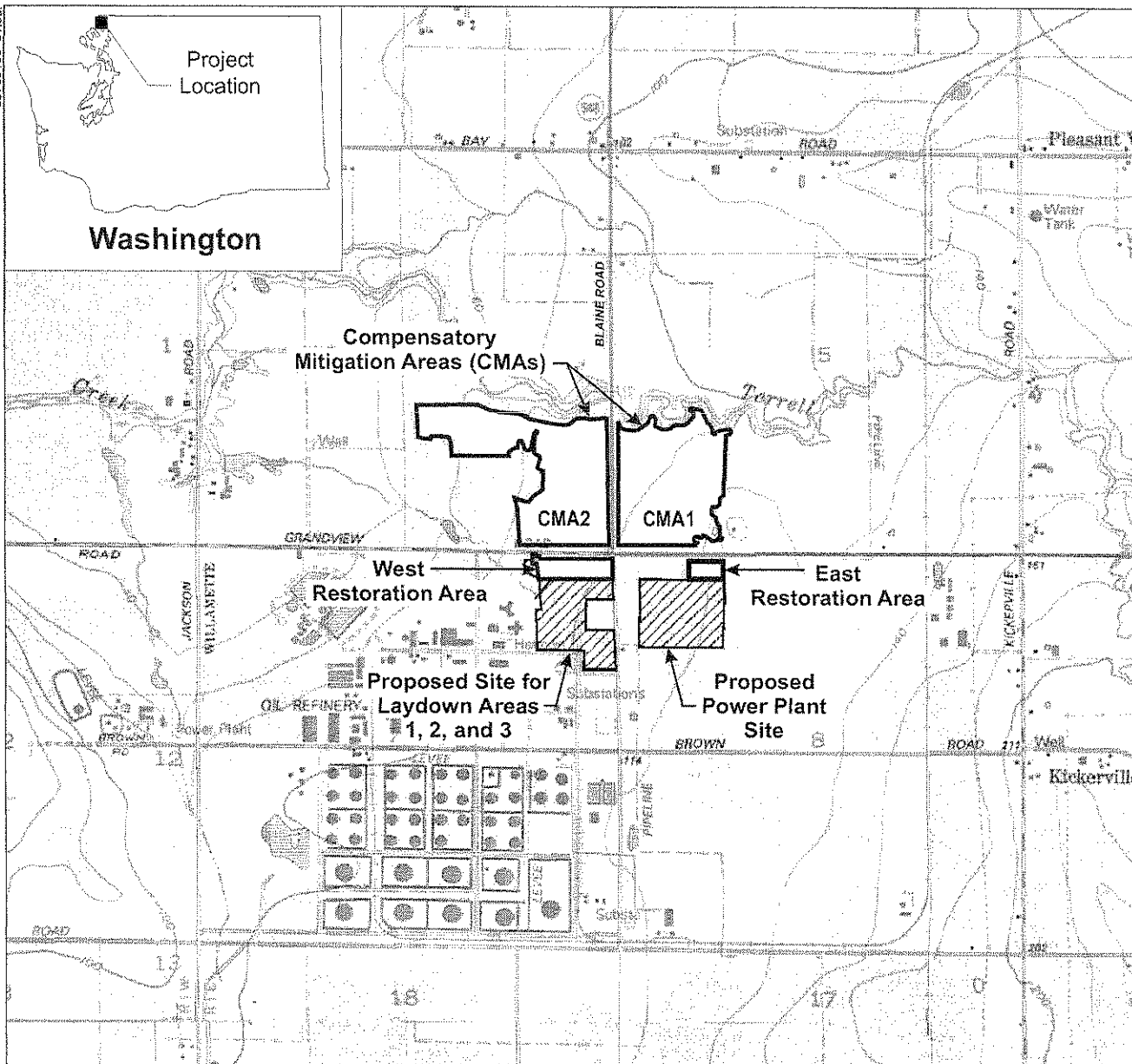
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: BP Cherry Point Refinery; NWS-2001-01283-SO

Encl: Figures 19

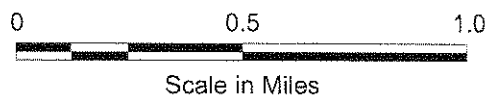


SOURCE: USGS 7.5-minute topographic quadrangles: Birch Point, Blaine, Lummi Bay OEW and Lummi Bay, Washington

Proposed: Wetland fill and mitigation
Reference: 2001-4-01283
Purpose: Construction of cogeneration facility and relocate maintenance workers not essential for operations to a safe distance from the process plants (land use change).
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet 1 of 19 **Date:** 5-6-08



Map created with TOPOI™ © 1997 Wildflower Productions, www.topo.com,
based on USGS topographic map



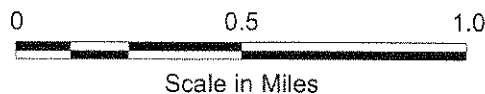
As Permitted 11-22-05

Proposed: Wetland fill and mitigation
Reference: 2001-4-01283
Purpose: Construction of cogeneration facility
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet: 2 of 19 Date: 05-6-08

Site Vicinity Map
Wetland Mitigation Plan
BP Cherry Point

URS

Map created with TOPO!™ © 1997 Wildflower Productions, www.topo.com,
based on USGS topographic map



Proposed 2008 Revisions - Maintenance Service Complex (MSC)

Proposed: Wetland fill and mitigation

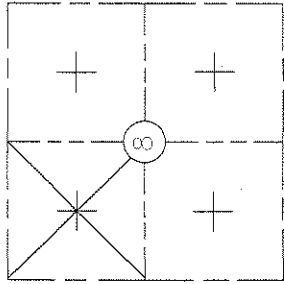
Reference: 2001-4-01283

Purpose: Construction of cogeneration facility and relocate maintenance workers not essential for operations to a safe distance from the process plants (land use change).

App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet 3 of 19 Date: 5-6-08

Site Vicinity Map

URS



TWP. 39N, R. 1E, W.M.

NW 1/4 SECTION 8

TOWNSHIP 39 NORTH, RANGE 1 EAST

WHATCOM COUNTY, WASHINGTON

Reference: Larry Steel & Associates Land Surveyors

Topography and existing features provided by Anvil Corp.

LEGEND	
	UPLAND
	WETLAND
	PERMANENTLY IMPACTED WETLAND
	TEMPORARILY IMPACTED WETLAND

Source: Golder Associates

As Permitted 11-22-05

Proposed: wetland fill

Reference: 2001-4-01283

Purpose: Construction of cogeneration facility

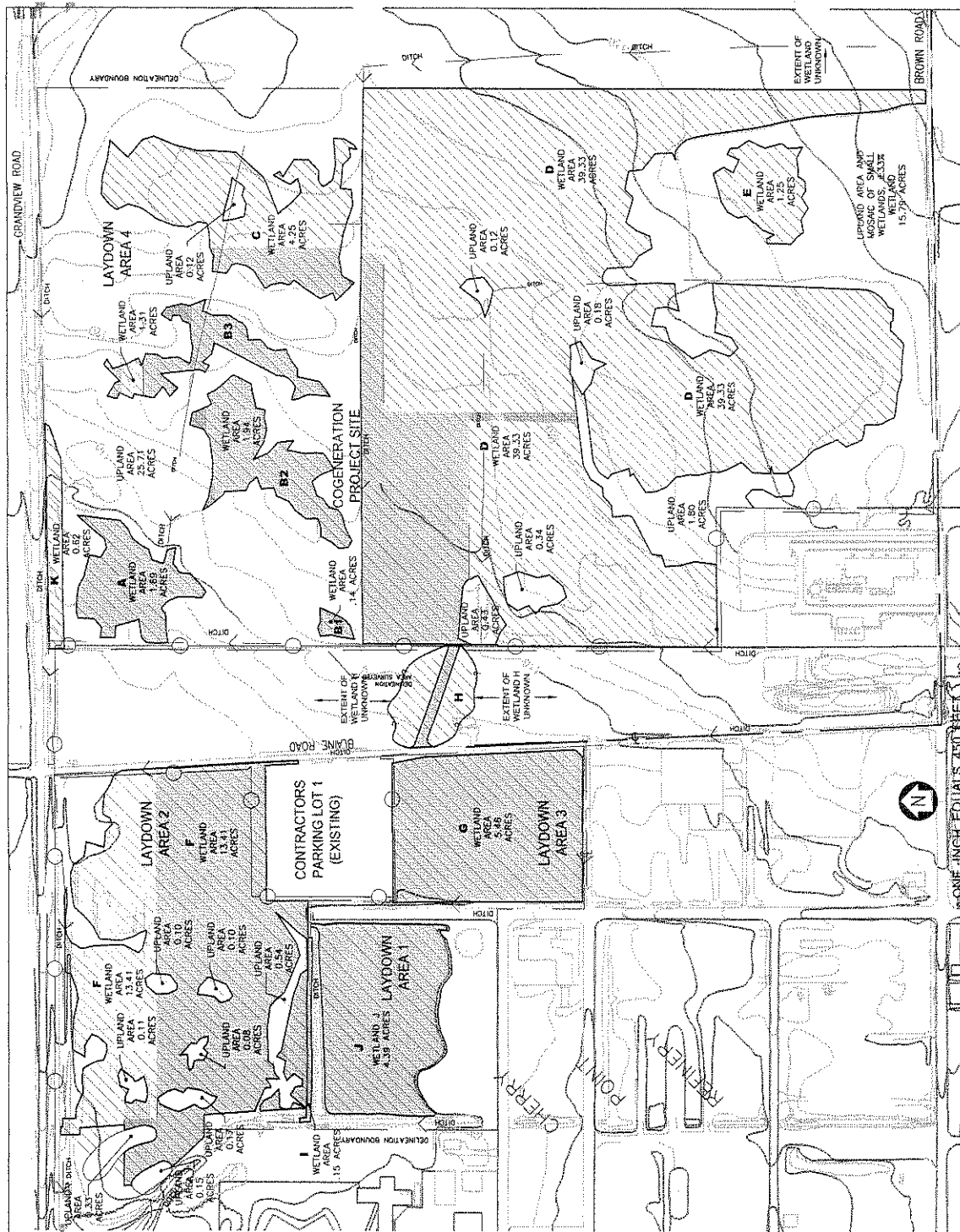
App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet: 4 of 19 Date: 5-6-08

2008 Revised Sheet 4 of 19 of (original file info below)

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EDIT DATE: 06/11/03 AT: 15:04

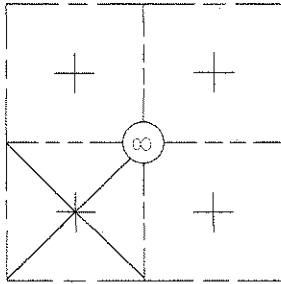


0 225 450
FEET
ONE INCH EQUALS 450 FEET

NOTE: IMPACTS CAUSED BY THE
INSTALLATION OF THE TRANSMISSION
LINE AND ASSOCIATED FOOTINGS HAVE
BEEN PREVIOUSLY PERMITTED (COE
PERMIT # 1998-4-02349)

Delineated and Impacted Wetlands

URS



TWP. 39N, R. 1E, W.M.
NW 1/4 SECTION 8
TOWNSHIP 39 NORTH, RANGE 1 EAST
WHATCOM COUNTY, WASHINGTON
Reference: Larry Steel & Associates Land Surveyors
Topography and existing features provided by Anvil Corp.

LEGEND	
	UPLAND
	WETLAND
	PERMANENTLY IMPACTED WETLAND
	PREVIOUSLY PERMITTED WETLAND, FILLED

Proposed 2008 Revision - MSC

Proposed: wetland fill

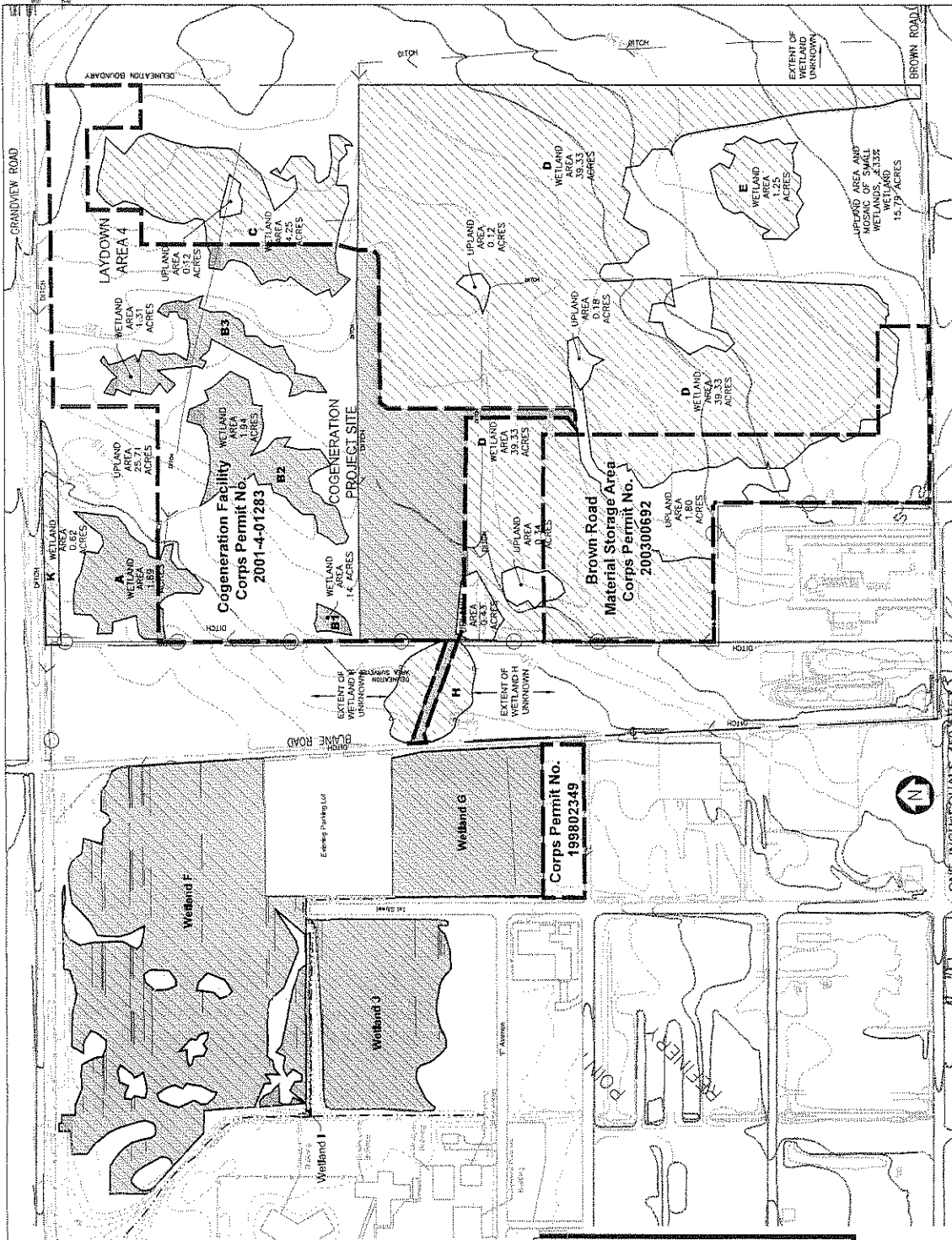
Reference: 2001-4-01283

Purpose: Construction of cogeneration facility and relocate maintenance workers not essential for operations to a safe distance from the process plants (land use change).

App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet 5 of 19 Date: 4-1-08

2008 Revised Sheet 5 of 19 of (original file info below)
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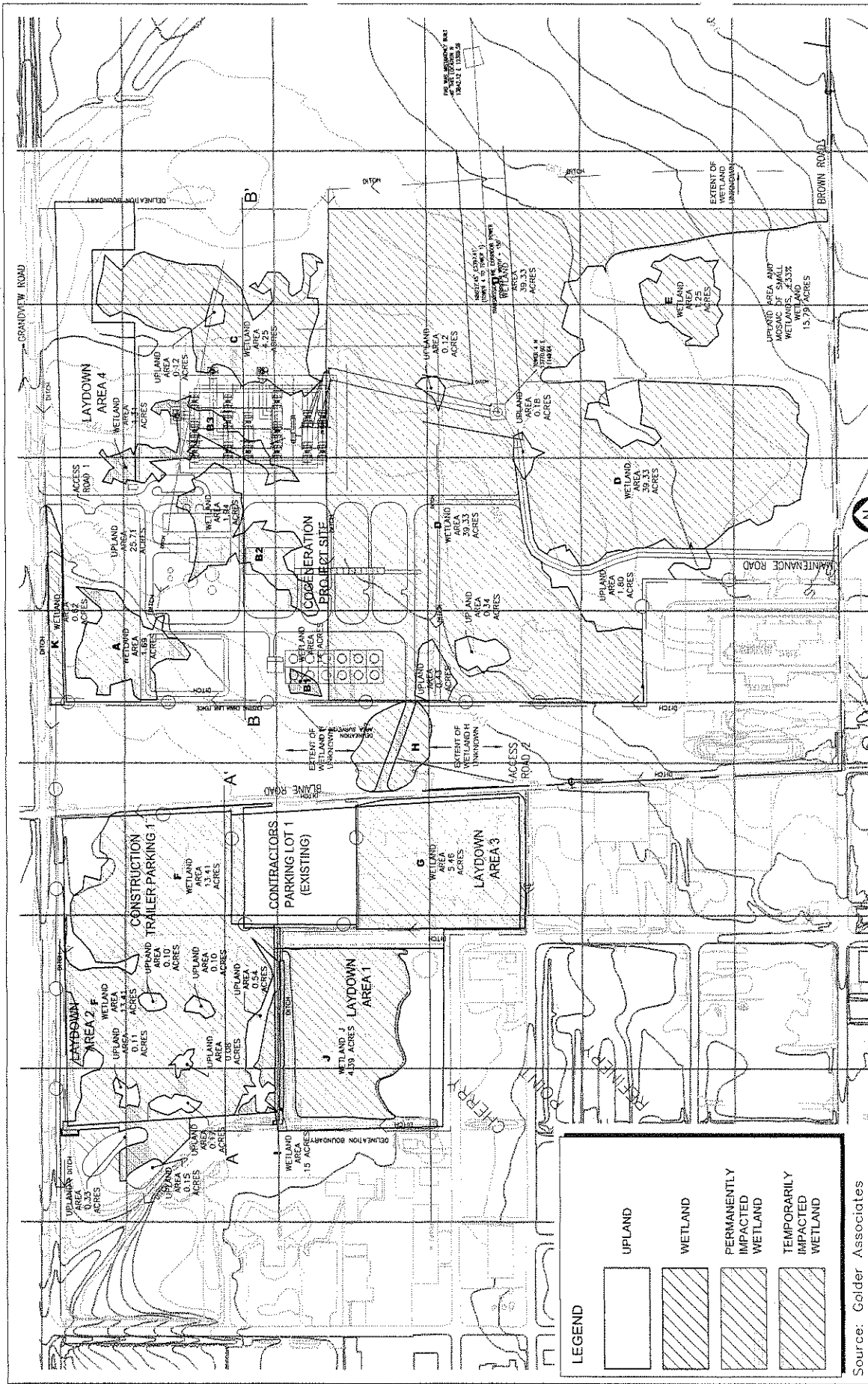


Source: Golder Associates/URS

NOTE: IMPACTS CAUSED BY THE INSTALLATION OF THE TRANSMISSION LINE AND ASSOCIATED FOOTINGS HAVE BEEN PREVIOUSLY PERMITTED (COE PERMIT # 1998-4-02349)

Delineated and Impacted Wetlands

URS



Source: Golder Associates

As Permitted 11-22-05

Proposed: wetland fill

Reference: 2001-4-01283

Purpose: Construction of cogeneration facility

App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet: 6 of 19 Date: 5-6-08

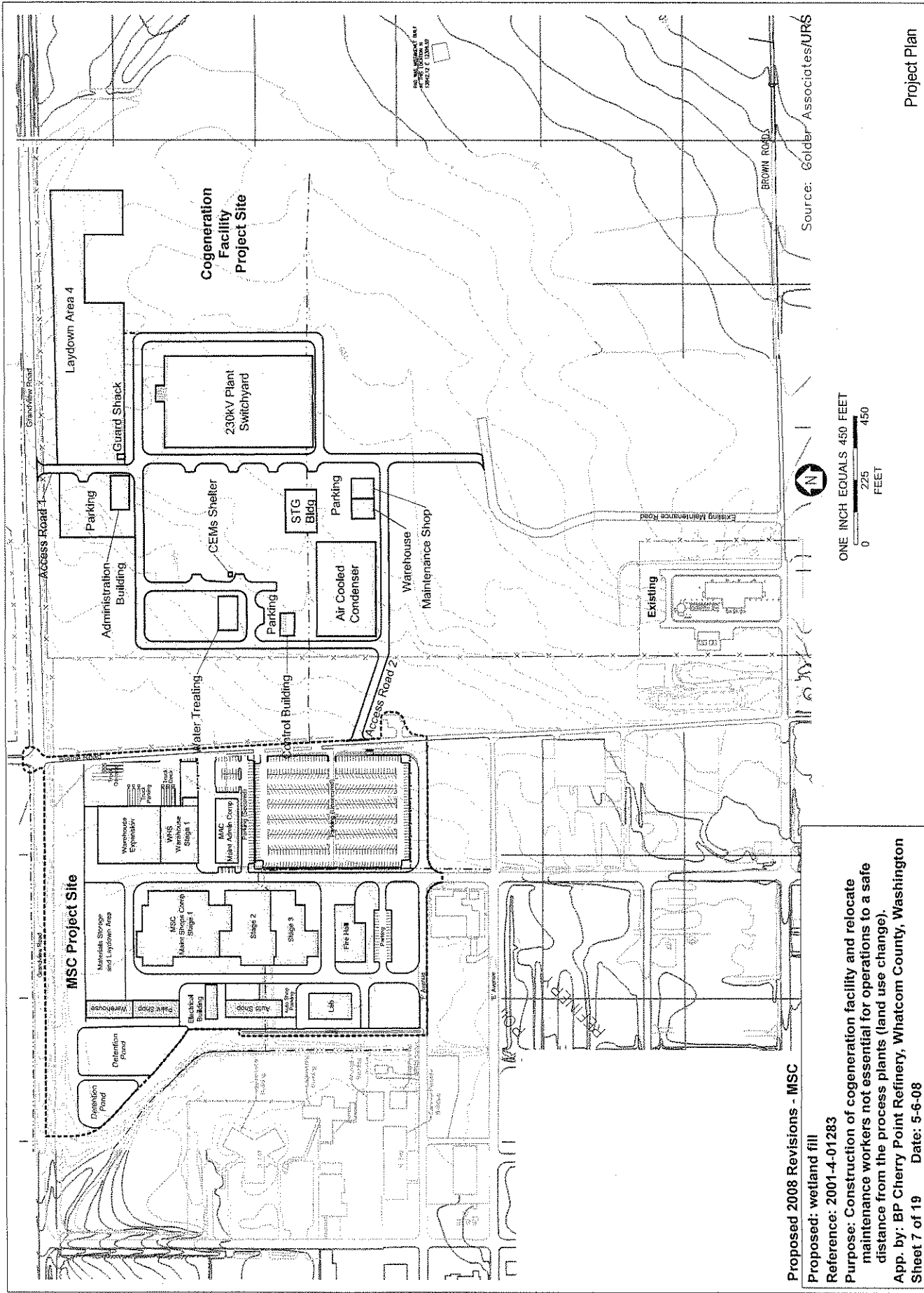
Revised Sheet 6 of 19 (original file info below)

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EDIT DATE: 06/11/03 AT: 15:05

Project Plan and Impacted Wetlands

URS



Project Plan

URS

Proposed 2008 Revisions - MSC

Proposed: wetland fill

Reference: 2001-4-01283

Purpose: Construction of cogeneration facility and relocate maintenance workers not essential for operations to a safe distance from the process plants (land use change).

App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet 7 of 19 Date: 5-6-08

2008 Revised Sheet 7 of 19 of (original file info below)

FILENAME: I:\Misc-Jobs\BP\Cherry Point\Sheet 4.dwg

EDIT DATE: 06/11/03 AT: 15:05

EXISTING WETLANDS AND EXPECTED WETLAND IMPACTS

PROJECT SITES	WETLAND	WETLAND AREA (ACRES)	PERMANENTLY IMPACTED WETLAND AREA (ACRES)	TEMPORARILY IMPACTED WETLAND AREA (ACRES)
Cogeneration Facility ¹	A	1.69	1.69	0
	B1	0.14	0.14	0
	B2	1.94	1.94	0
	B3 ³	1.31	1.11	0
	C	4.25	0.88 0.86	0
	D	39.33	5.92 6.03	0
	H	>0.23 >0.30	0.23 0.22	0
Lay-Down Area 1 MSC	J	4.39	4.39	0
Lay-Down Area 2 ² MSC	F	13.41 13.72	8.75 ⁴ 13.72	4.66 0
Lay-Down Area 3 MSC	G	5.46 4.27	5.46 4.27	0
MSC	H	>0.30	0.08 ⁶	0
Lay-Down Area 4 (Cogen facility)	B3 ³	1.31	0 0.2	0.2 0
No impact area	E	1.25	0	0
MSC	I	0.15	0 0.15	0
No impact area	K	0.62	0	0
MSC (Blaine and Grandview Road intersection)	H	>0.30	<0.01	0
Total		>74.17⁵	30.51 34.80	4.86 0

¹ This area includes the power plant, Detention Pond 1, the access roads, the northernmost 300 feet of the maintenance road, and the visual (forest) buffer area west of Lay-Down Area 4 and north of the plant site

² The area of Lay-Down Area 2 includes Detention Pond 2.

³ Wetland B3 extends across both the Cogeneration Facility site and the Lay-Down Area 4 site.

⁴ The area includes the walking path that will traverse the West Restoration Area.

⁵ Sum of the existing wetland area found on site. Because it is unknown how far Wetland H extends beyond the impact area, the total wetland area is the sum of Wetland H's impact area and the area of all other wetlands found on the site.

⁶ As part of the MSC project, an improved security gate would have 0.08 acre of permanent impact to wetland H east of Blaine Road.

Proposed 2008 Changes - MSC

Proposed: Wetland fill and, for Wetland A, isolation from water source

Reference: 2001-4-01283

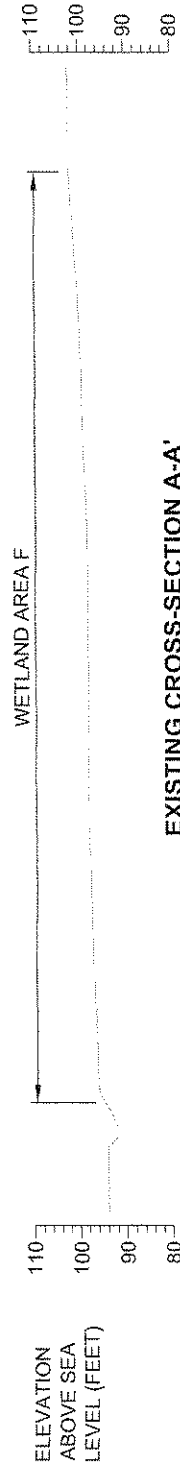
Purpose: Construction of cogeneration facility and relocate maintenance workers not essential for operations to a safe distance from the process plants (land use change).

App. by: BP Cherry Point Refinery, Whatcom County, Washington

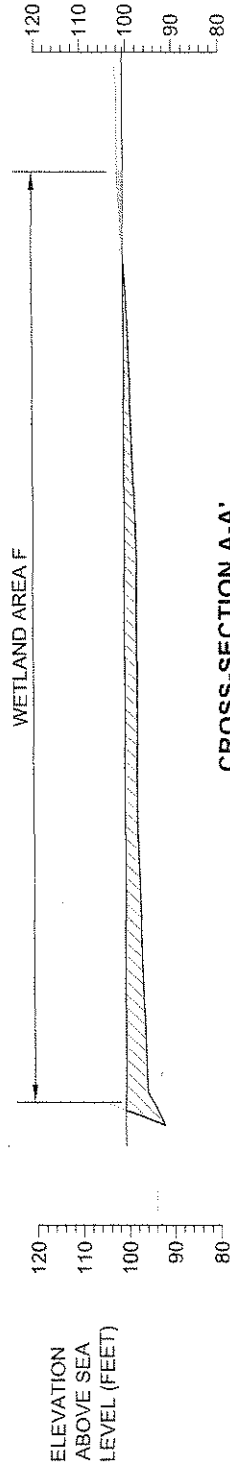
Sheet 8 of 19 Date: 5-6-08

Existing Wetlands and Expected Wetlands Impacts

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EXISTING CROSS-SECTION A-A'



CROSS-SECTION A-A'

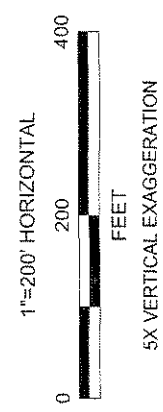
(REPRESENTING MSC PROJECT AREA MODIFIED FROM LAYDOWN AREAS 1, 2, & 3)
 BALANCE CUT AND FILL OF NATIVE MATERIAL
 IMPORT 46,000 CUBIC YARDS OF GRAVEL FILL

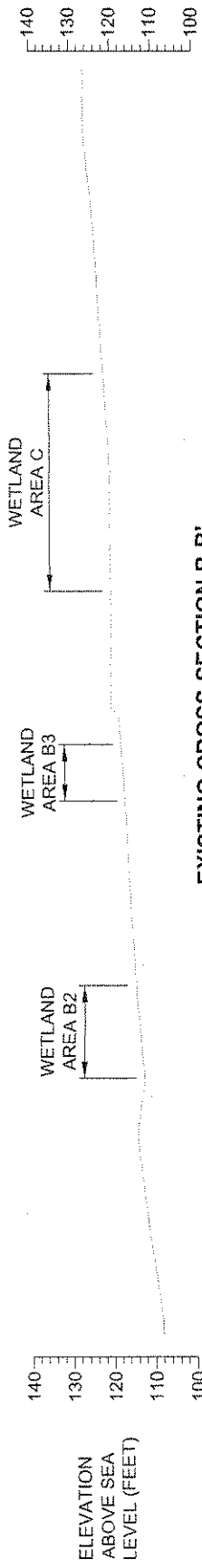
LEGEND

	FILL AREA
	EXCAVATED AREA

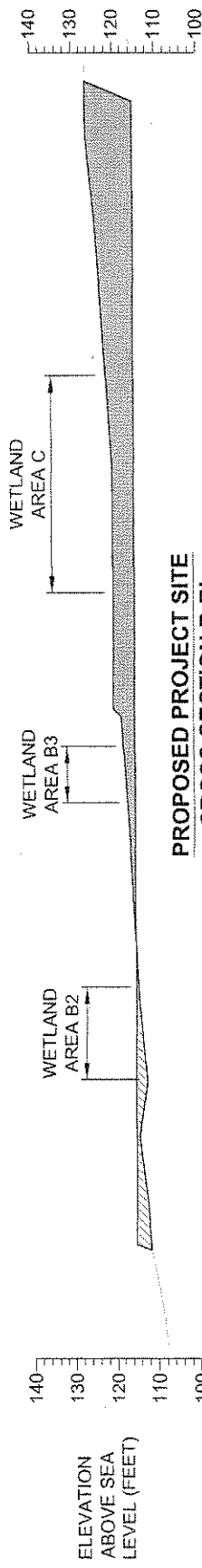
NOTE: FOR CROSS-SECTION LOCATIONS, SEE SHEET 4

Proposed 2008 Revision - MSC
Proposed: wetland fill
Reference: 2001-4-01283
Purpose: Construction of cogeneration facility
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet: 9 of 19 Date: 5-6-08



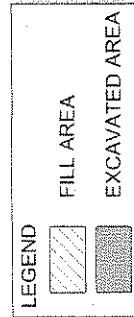


EXISTING CROSS-SECTION B-B'



**PROPOSED PROJECT SITE
CROSS-SECTION B-B'**

(REPRESENTING THE COGENERATION FACILITY
AND LAYDOWN AREA 4)
BALANCE CUT AND FILL OF NATIVE MATERIAL
IMPORT 45,200 CUBIC YARDS OF GRAVEL FILL



NOTE: FOR CROSS-SECTION
LOCATIONS
SEE SHEET 4

As Permitted 11-22-05

Proposed: wetland fill

Reference: 2001-4-01283

Purpose: Construction of cogeneration facility

App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet: 10 of 19 Date 5-6-08

Source: Collier Associates

2008 Revised Sheet 10 of 19 (original info below)
FILENAME: T:\Misc-Jobs\BP\Cherry Point\Sheet 7.dwg
EDIT DATE: 06/11/03 AT: 14:07

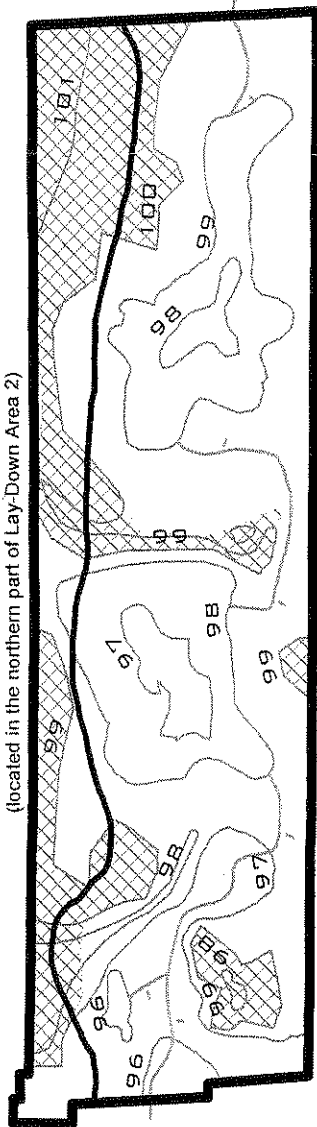


Cross-Sections A-A' and B-B'

URS

West Restoration Area

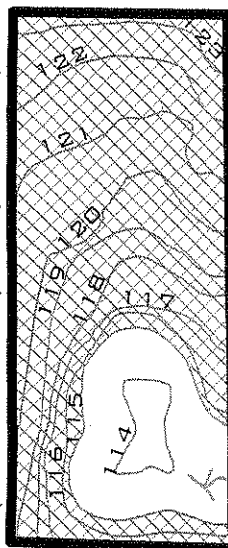
(located in the northern part of Lay-Down Area 2)

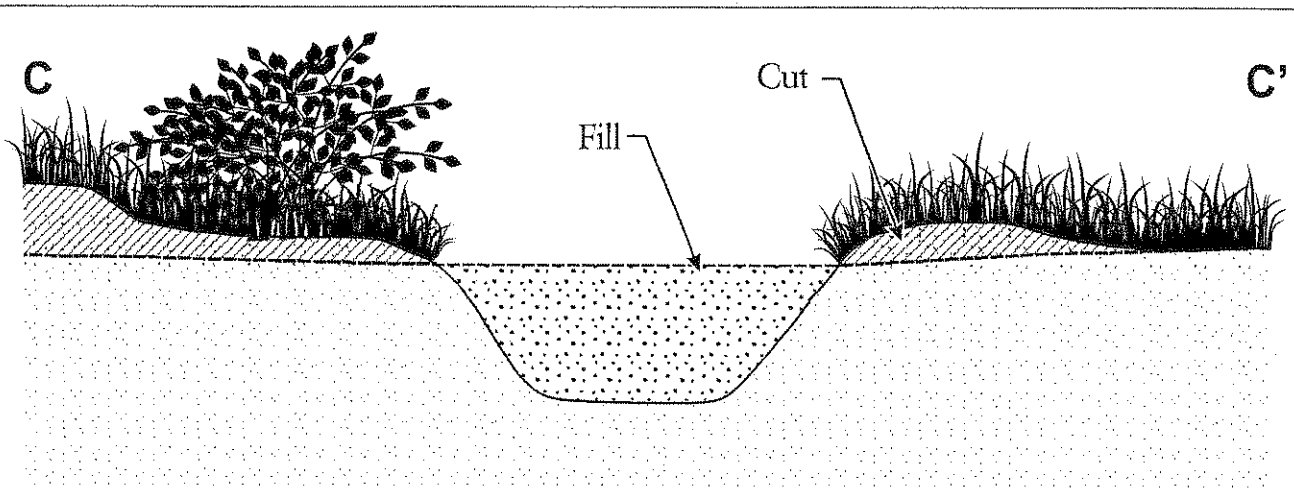


The East and West Restoration Areas
have been eliminated from the 2008 Revision.
Temporary impacts are all now permanent impacts.

East Restoration Area

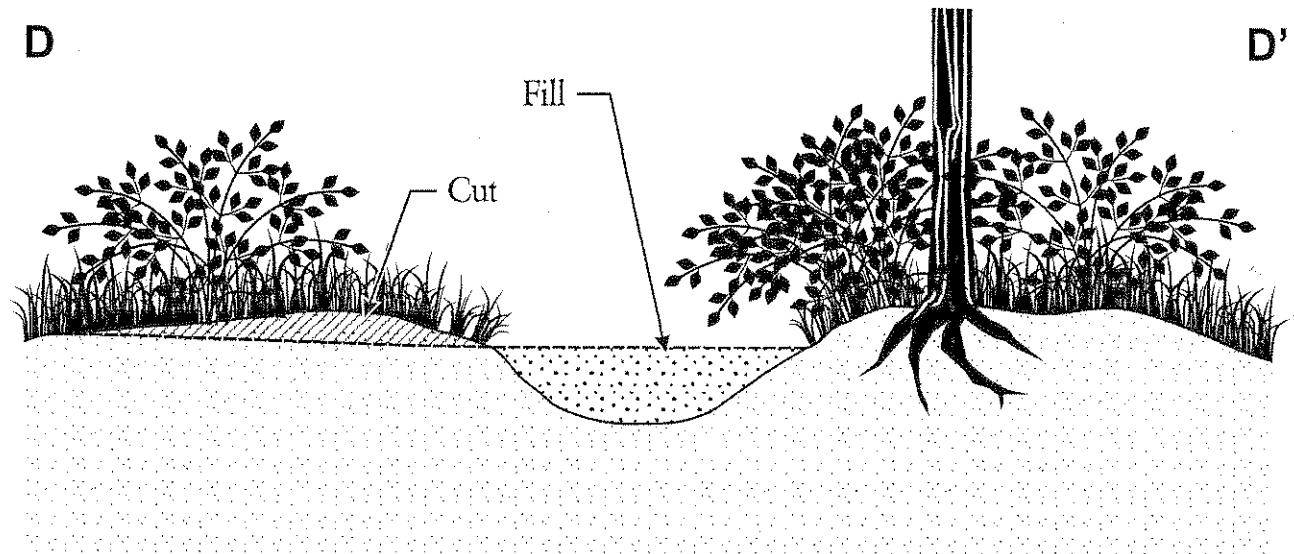
(located in the northern part of Lay-Down Area 4)





Section View C

Total Fill = 505 cy
Total Cut = 232 cy



Section View D

Total Fill = 455 cy
Total Cut = 49 cy



Horizontal and Vertical
Scale in Feet

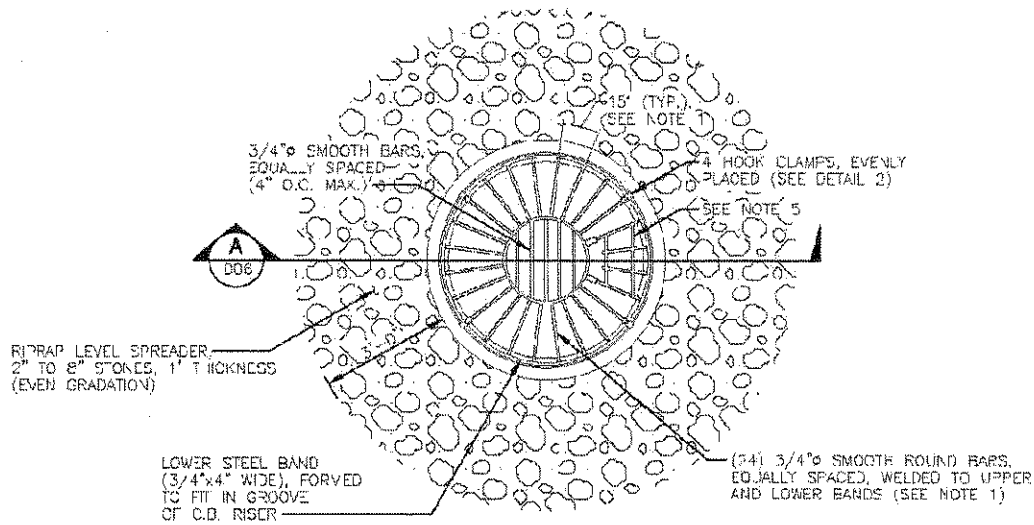
As Permitted 11-22-08

Proposed: Wetland mitigation
Reference: 2001-4-01283
Purpose: Construction of cogeneration facility
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet: 17 of 19 Date: 5-6-08

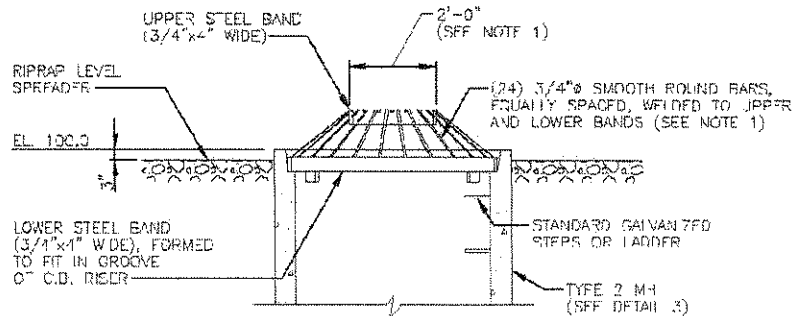
CMA2 Ditch Filling Cross Sections
Wetland Mitigation Plan
BP Cherry Point

URS

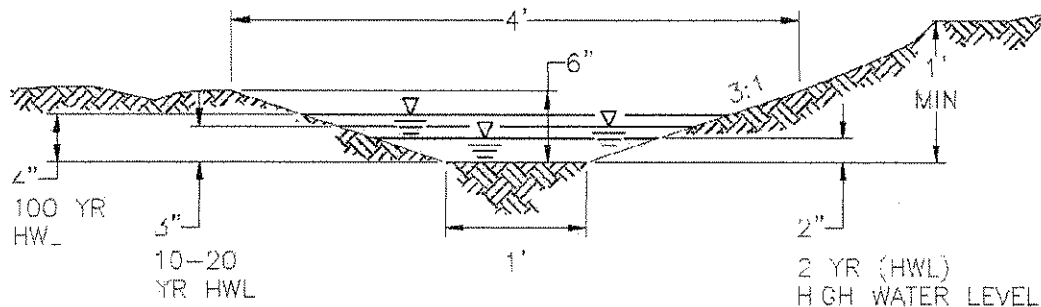
INLET PLAN AND SECTION VIEW



PLAN



SECTION A



TYPICAL SWALE CROSS-SECTION

SECTION A

SCALE: NIS



Proposed 2008 Revisions - CMA2

Proposed: Wetland mitigation

Reference: 2001-4-01283

Purpose: Hydrologic modification

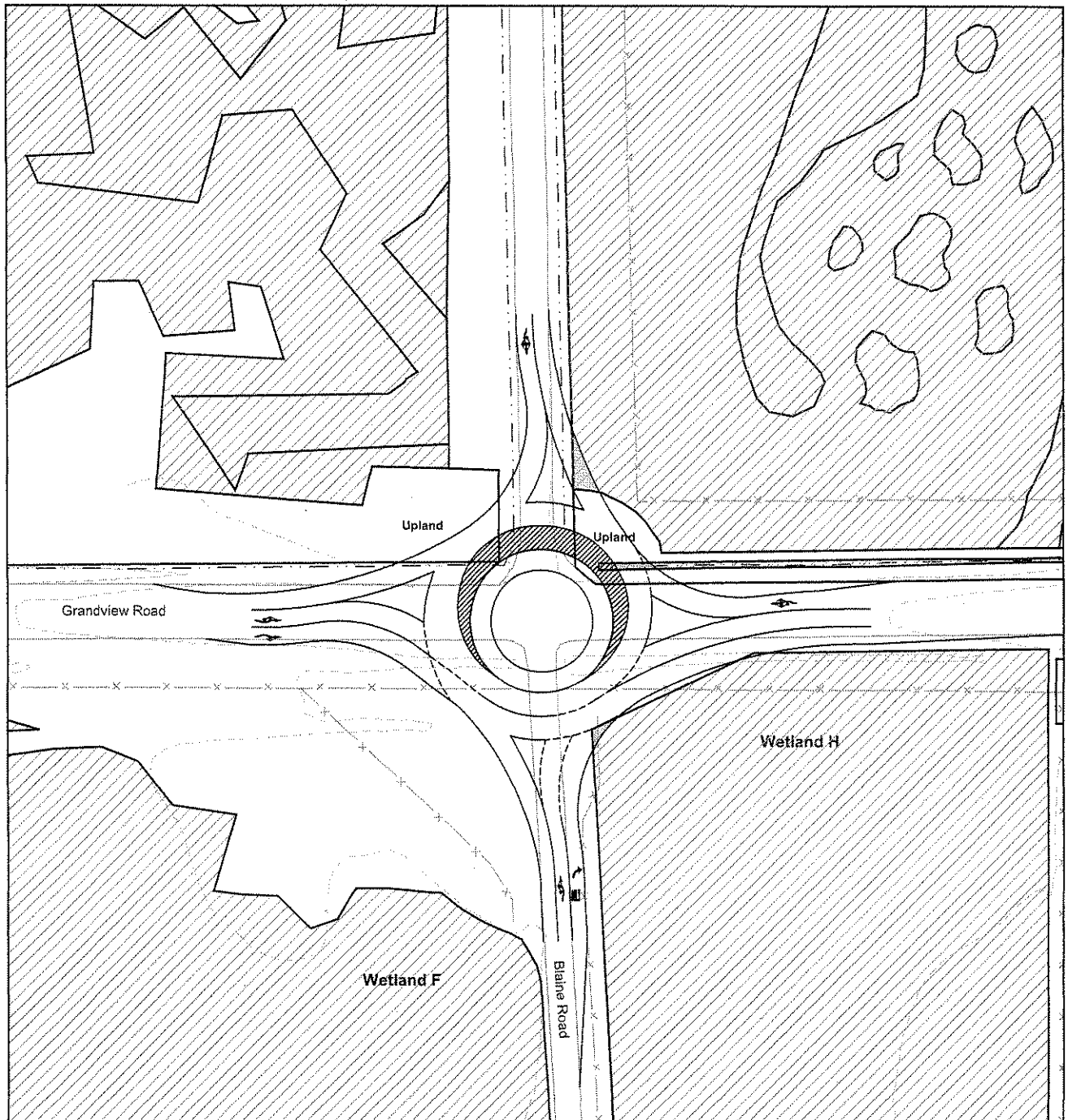
App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet 18 of 19

Date: 5-6-08

CMA2 Inlet Channel Design

URS



Legend



- 2 Ft Topo Contours
- Security Fence
- Ditch
- Wetland
- Wetland Impact

Traffic Circle Wetland Impacts and Site Development Plan

Purpose: Provide a reliable and cost-effective supply of electricity and steam to the refinery. Relocate maintenance workers not essential for operations to a safe distance from the process plants

Datum: Horizontal and vertical datum based on 'BP Cherry Point Refinery' local coordinate grid

Adjacent Property Owners:

1. BP Cherry Point Refinery on all sides

Applicant: BP Cherry Point Refinery
Reference: 200101283

Location Address: Approximately
4519 Grandview Road
Blaine, WA 98230

Proposed: Construction of gas fired Cogeneration Facility. Maintenance Service Complex, including: maintenance buildings, parking, and 2 stormwater detention ponds

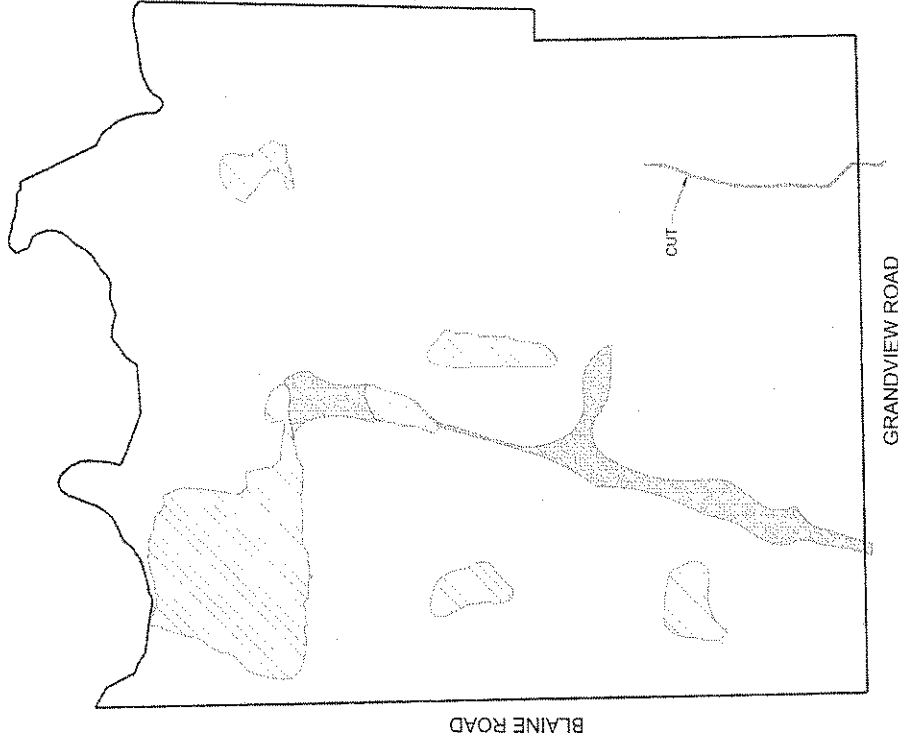
Near/At: Intersection of Blaine and Grandview Road

County: Whatcom

State: WA

Sheet: 19 of 19

Date: May 6, 2008



Proposed Cut and Fill Revisions - CMA1

Proposed: Mitigation Area

Reference: 2001-4-01283

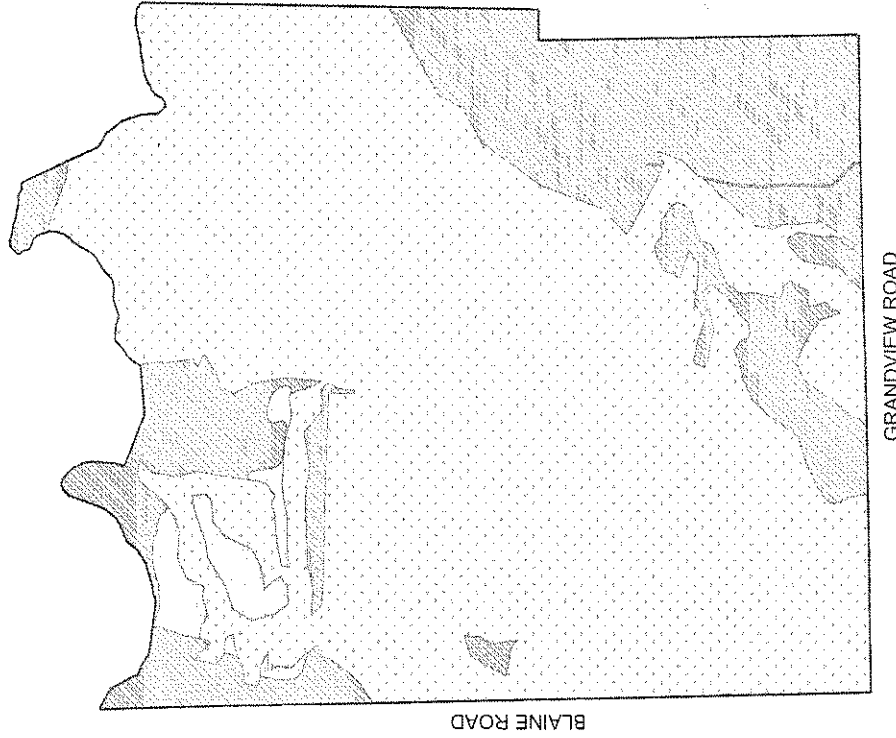
Purpose: Topography and hydrologic modifications

App. by: BP Cherry Point Refinery, Whatcom County, Washington

Sheet 12 of 19 Date: 5-6-08

CMA1 Plan

URS



Proposed 2008 Revisions - CMA1

Proposed: Mitigation Area

Reference: 2001-4-01283

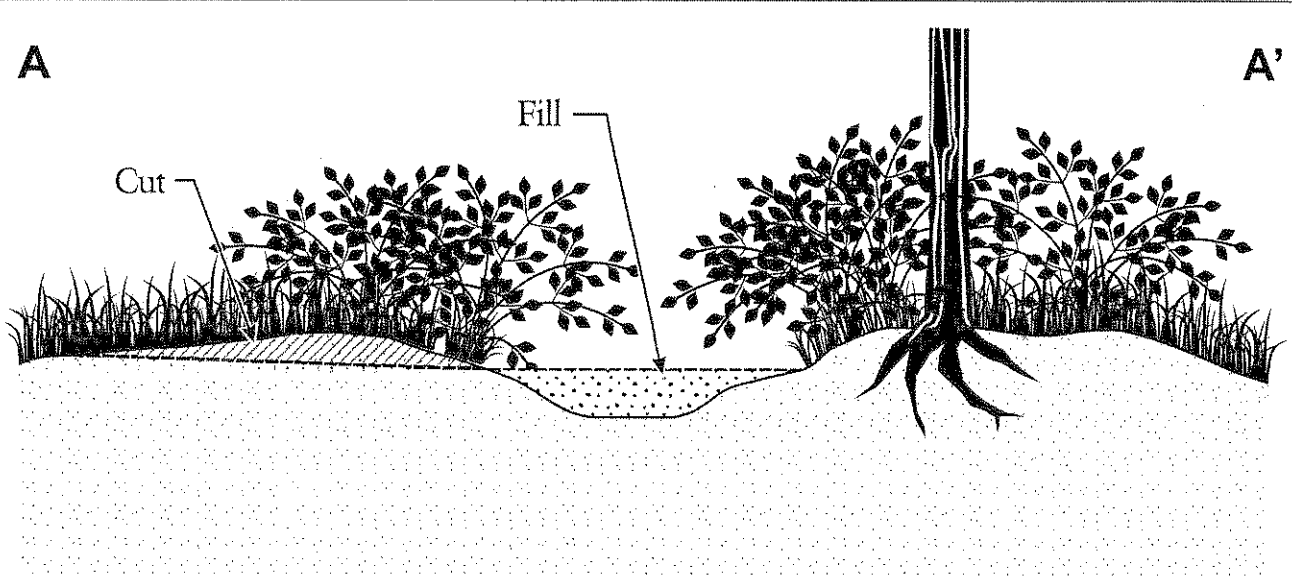
Purpose: Topography and hydrologic modifications

App. by: BP Cherry Point Refinery, Whatcom County, Washington

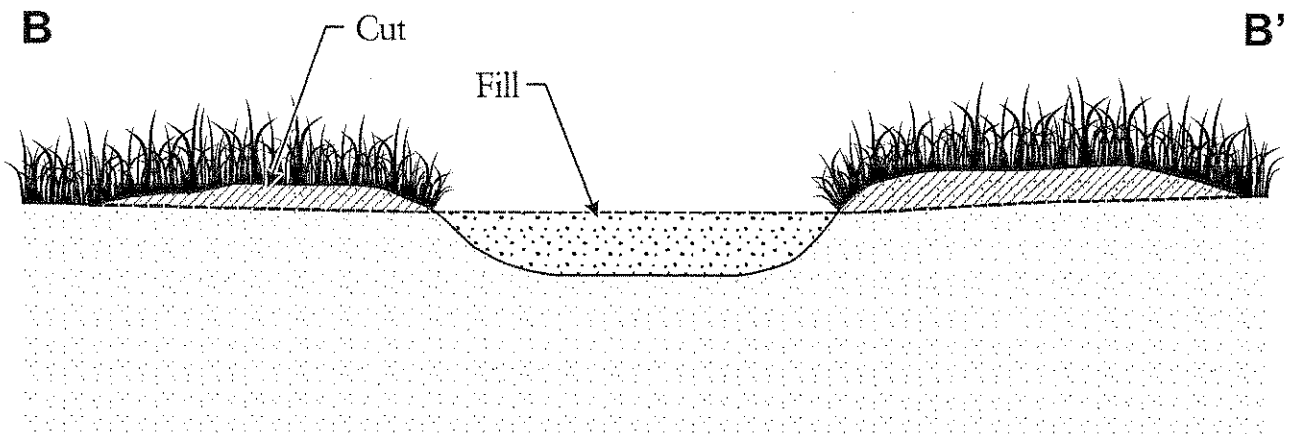
Sheet 13 of 19 Date: 5-6-08

Areas of Wetland Creation, Rehabilitation and Enhancement
CMA1

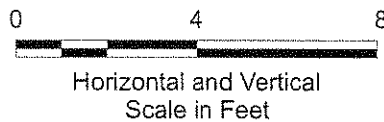
URS



Section View A
Total Cut = Total Fill = 107 cy



Section View B
Total Cut = Total Fill = 240 cy

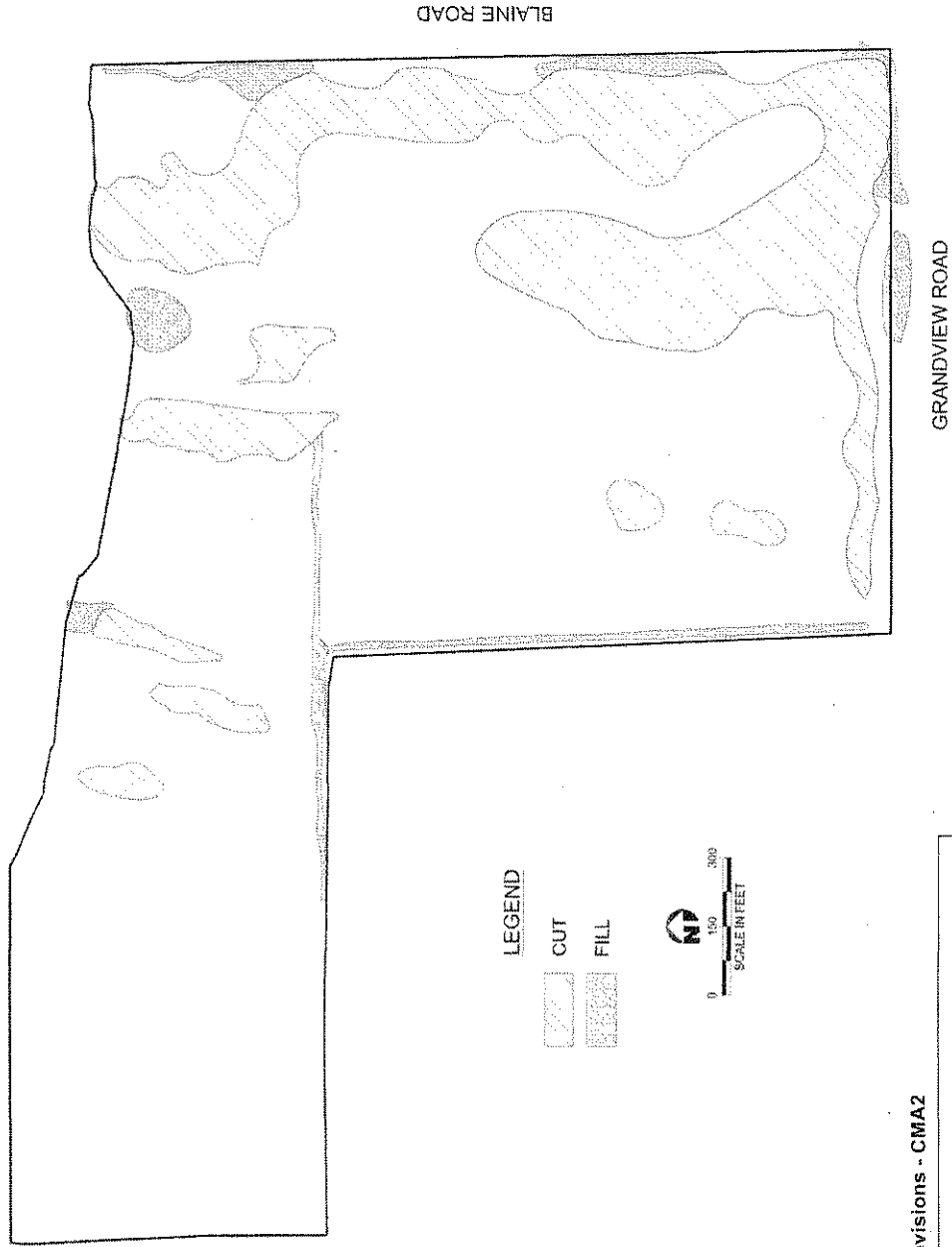


As Permitted 11-22-05

Proposed: Wetland mitigation
Reference: 2001-4-01283
Purpose: Construction of cogeneration facility
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet: 14 of 19 Date: 5-6-08

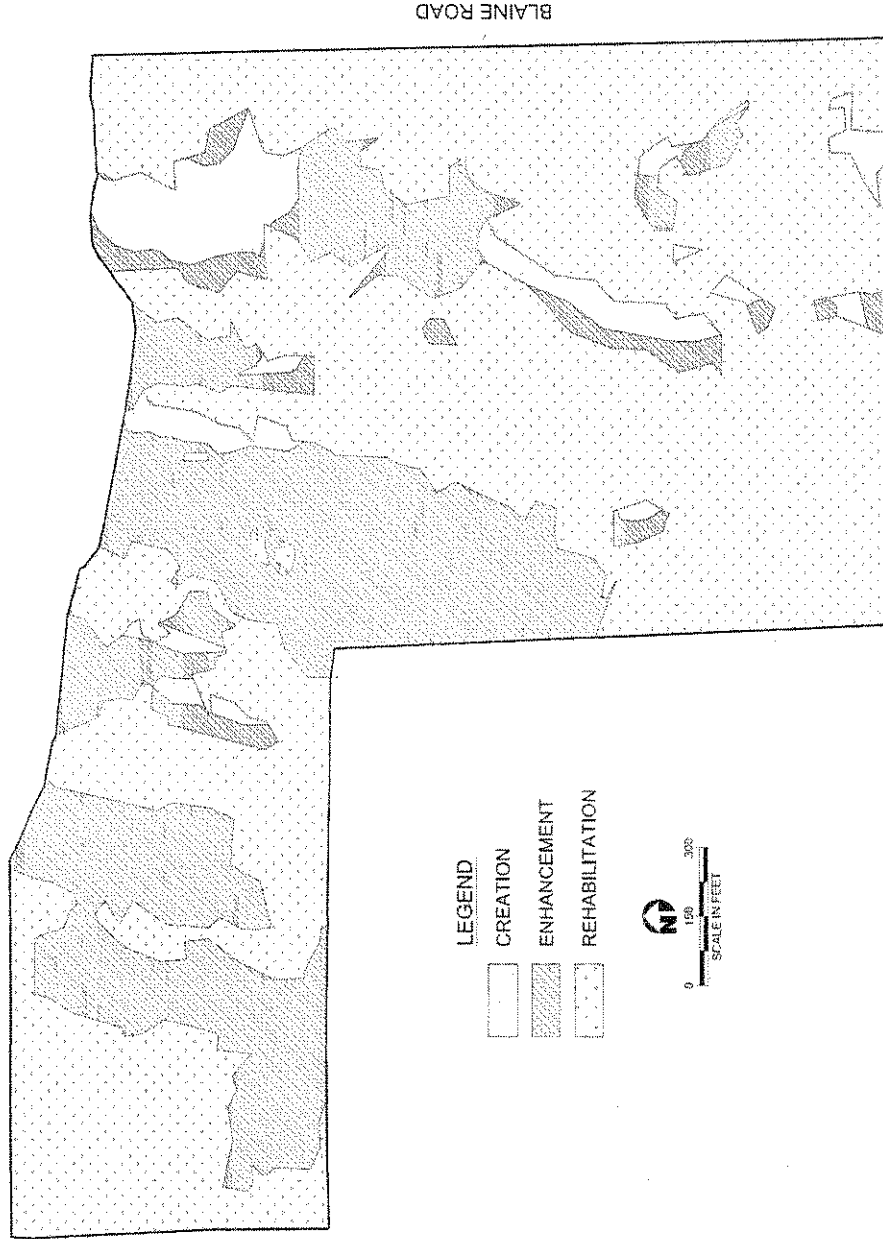
CMA1 Ditch Filling Cross Sections
Wetland Mitigation Plan
BP Cherry Point

URS



Proposed Cut and Fill Revisions - CMA2

Proposed: Mitigation Area
Reference: 2001-4-01283
Purpose: Topography and hydrologic modifications
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet 15 of 19 Date: 5-6-08



Proposed 2008 Revisions - CMA2

Proposed: Mitigation Area
Reference: 2001-4-01283
Purpose: Topography and hydrologic modifications
App. by: BP Cherry Point Refinery, Whatcom County, Washington
Sheet 16 of 19 Date: 5-6-08

Areas of Wetland Creation, Rehabilitation and Enhancement
CMA2

URS